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D/A1648

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Bruce, et al.  
TITLE : IMAGE TYPE CLASSIFICATION  
USING COLOR DISCRETENESS  
FEATURES  
SERIAL NO. : 10/040,692  
FILED : January 7, 2002  
EXAMINER : Amir Alavi  
ART UNIT : 2621  
LAST OFFICE ACTION : November 1, 2004  
ATTORNEY DOCKET NO. : D/A1648  
XER 2 00458

Cleveland, Ohio 44114-2579

Assistant Commissioner for Patents  
Washington, DC 20231

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Dear Sir:

The Applicant has had an opportunity to carefully consider the election/restriction requirement mailed November 1, 2004.

In response, the Applicant respectfully traverses this election/restriction requirement, and requests the Examiner to reconsider same.

The present application was filed with twenty-three (23) claims, including independent claims 1, 8, 15, 22, and 23. In the paper of November 1, 2004, it is argued that two separate inventions exist, specifically:

- I. Claims 1-21, drawn to feature extraction, classified in class 382, subclass 190.
- II. Claims 22-23, drawn to pattern recognition or classification using color, classified in class 382, subclass 165.

The Examiner states in the election/restriction requirement that inventions I and II are distinct and related as combination and subcombination. In support of the election/restriction requirement, the Examiner states "the combination as claimed does not require the particulars of the subcombination as claimed because extracting image features does not require the particulars of the classification using color." Additionally, the Examiner supports the election/restriction requirement by stating "the subcombination has separate utility such as a pattern recognition or classification using color."

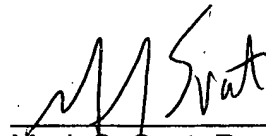
The applicant respectfully notes that each independent claim in the originally-filed application is directed toward classifying an input image in picture or graphic classes. Independent claims 1, 8, and 15 are associated with Group I and identify elements associated with performing picture/graphics classification using one or more one-dimensional color discreteness feature. Independent claims 22 and 23 are associated with Group II and both include an element associated with performing picture/graphics classification using one or more one-dimensional color discreteness feature. Independent claims 22 and 23 go on to include additional elements associated with performing picture/graphics classification using one or more two-dimensional color discreteness feature and using one or more three-dimensional color discreteness feature. Therefore, it is respectfully submitted that it is appropriate for these independent claims (i.e., claims 1, 8, 15, 22, and 23) and corresponding dependent claims to be examined together.

Therefore, the Applicant respectfully requests the Examiner to reconsider the election/restriction requirement set forth in the November 1, 2004 paper and examine all claims of the application.

Nevertheless, to fully address the election/restriction requirement, the Applicant hereby elects claims 1-21 for further prosecution. However, the Applicant again traverses this election and maintains the right to file additional applications in connection with the unselected claims (i.e., claims 22 and 23).

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

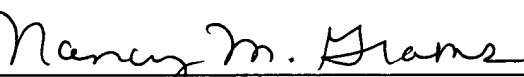


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CERTIFICATE OF MAILING

I hereby certify that this Response to Election/Restriction Requirement is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231, on November 30, 2004.

By   
Nancy M. Grams